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# DEVELOPMENT OF HUMAN RIGHTS THROUGHOUT THE ASIA-PACIFIC REGION

### Hon David K Malcolm AC

## EVIDENCE OF UNCHARGED CRIMINAL ACTS

# **David Ross OC**

Evidence of uncharged acts usually has its genesis in an improper relationship of long standing. The admissibility of such evidence is scarcely supported by old authority or by logic. But times have changed, and every jurisdiction now admits the evidence. The author examines the bases for admission. Assuming proper admission, what is the standard of proof? Can the evidence of uncharged acts support the evidence of the charged acts and, if so, how? There may be more events than can be realistically fitted on one indictment. Is there any difference when there is more than one complainant? What direction must a trial judge give? Is there an efficient method of appeal? This article attempts to distil some general propositions but it means looking at a lot of cases. It examines how uncharged acts can affect sentence. Finally, the author deals with the 

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